

JONATHAN WAYNE BOTTEN, SR., ET AL. vs STATE OF CALIFORNIA, ET AL.
Timothy Jong, M.D. on 01/02/2025

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3
4 JONATHAN WAYNE BOTTEN, SR.; TANJA)
DUDEK-BOTTEN; ANNABELLE BOTTEN; and)
5 J.B., a minor by and through his)
guardian JONATHAN WAYNE BOTTEN, SR.,)

6 Plaintiffs,)

7 vs.)

8 STATE OF CALIFORNIA; COUNTY OF SAN)
9 BERNARDINO; ISAIAH KEE; MICHAEL)
BLACKWOOD; BERNARDO RUBALCAVA; ROBERT)
10 VACCARI; JAKE ADAMS; and DOES 1-10,)
inclusive,)

11 Defendants.)
12 _____)

Case No.

5:22-CV-00949-KK-SHK

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14
15
16 REMOTE VIDEOCONFERENCE DEPOSITION OF

17 TIMOTHY JONG, M.D.

18 THURSDAY, JANUARY 2, 2025
19
20
21
22

23 Reported Stenographically By:

24 Jinna Grace Kim, CSR No. 14151

25 Job No.: 127502

JONATHAN WAYNE BOTTEN, SR., ET AL. vs STATE OF CALIFORNIA, ET AL.
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	STATE OF CALIFORNIA; COUNTY OF SAN)	13	(None)
9	BERNARDINO; ISAIAH KEE; MICHAEL)	14	
	BLACKWOOD; BERNARDO RUBALCAVA; ROBERT)	15	
10	VACCARI; JAKE ADAMS; and DOES 1-10,)	16	
	inclusive,)	17	
11)	18	
	Defendants.)	19	
12)	20	
13		21	
14		22	
15		23	
16	The remote videoconference deposition of TIMOTHY	24	
17	JONG, M.D., taken on behalf of the Plaintiffs, beginning at	25	
18	2:05 p.m., and ending at 3:34 p.m., on Thursday, January 2,		
19	2025, before Jinna Grace Kim, Certified Stenographic		
20	Shorthand Reporter No. 14151.		
21			
22			
23			
24			
25			

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1	APPEARANCES OF COUNSEL:	1	CALIFORNIA
2		2	THURSDAY, JANUARY 2, 2025
3	For the Plaintiffs:	3	2:05 P.M.
4	LAW OFFICES OF DALE K. GALIPO	4	TIMOTHY JONG,
	BY: DALE K. GALIPO, ESQ.	5	called as a witness on behalf of the Plaintiffs, having been
5	BY: HANG D. LE, ESQ.	6	first duly sworn remotely via videoconference, was examined
	21800 Burbank Boulevard, Suite 310	7	and testified as follows:
6	Woodland Hills, California 91367	8	EXAMINATION
	Tel: 818-347-3333	9	BY MR. GALIPO:
	Fax: 818-347-4118	10	Q. Can you state your full name.
7	E-mail: dalekgalipo@yahoo.com	11	A. Name is Timothy, last name is Jong, J-o-n-g.
	E-mail: hle@galipolaw.com	12	Q. Thank you. Are you able to hear me okay so far?
8		13	A. Yes.
9	For the Defendants:	14	Q. And if you have any trouble hearing me at any time,
10	DEPUTY ATTORNEY GENERAL	15	will you please let me know?
	BY: DIANA ESQUIVEL, ESQ.	16	A. Yes.
11	1300 I Street, Suite 125	17	Q. And if I ask you a question that's poorly phrased
	P.O. Box 944255	18	and you do not understand it, will you please let me know so
12	Sacramento, California 94244	19	I can try to ask it in a better way?
	E-mail: diana.esquivel@doj.ca.gov	20	A. Sure.
13		21	Q. I don't plan to be too long, but if you need to take
14	LYNBERG & WATKINS	22	a break at any time, just let me know and we'll take a break.
	BY: AMY MARGOLIES, ESQ.	23	If I go more than an hour, I'll take a break at the
15	1100 W. Town & Country Road, Suite 1450	24	hour mark for sure, but I'm hoping to be within that time
	Orange, California 92868	25	frame.
16	E-mail: amargolies@lynberg.com		
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1 it also passed through one of the hip bones, the large bowel,
2 and it lodged -- the projectile lodged in the fat of the
3 front of the abdomen.
4 Q. And that bullet was also recovered?
5 A. Yes.
6 Q. And were you able to determine with the two
7 recovered bullets so far, whether they were from a handgun or
8 a rifle, or is that beyond your area of expertise?
9 A. I would defer to the handgun analysis expert on
10 that.
11 Q. Okay. And so also, that wound did not have an exit;
12 is that correct?
13 A. That's correct.
14 Q. And that direction would have also been
15 back-to-front, left-to-right, and upward?
16 A. Yes.
17 Q. And the gunshot wound to the right buttock, where
18 was that generally in terms of the right buttock?
19 Was it more in the middle, or somewhere else?
20 A. It was middle, slightly to the upper right.
21 Q. And what did that pass through after entering the
22 body?
23 A. It only passed through the soft tissues.
24 Q. And that bullet was also recovered?
25 A. Yes.

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1 Q. And that had a left-to-right and upward
2 trajectory?
3 A. Yes.
4 Q. And you listed the associated injuries?
5 A. Yes.
6 Q. So there would be at least the first three shots
7 would have all entered the back of the body; is that
8 correct?
9 A. Yes.
10 Q. And then you have a wound to the thigh.
11 Where did that enter?
12 A. A clarification question: Are you referring to the
13 left where the Page 4, the -- gunshot wound?
14 Q. Yes. I'm sorry. I didn't realize until I turned
15 the page that there were more than one thigh shots.
16 Yeah. So let's go chronological. Thank you.
17 A. Sure. So to answer your question, the wound itself
18 was on the front, to the side, more to the side with midline
19 being closer to the midline. It was closer to the front
20 outer part of the thigh.
21 Q. And what did that bullet pass through?
22 A. That bullet only passed through skin and soft
23 tissue.
24 Q. How about the wound to the anterior left thigh, the
25 next one listed at the top of Page 5.

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1 A. So the gunshot wound of the anterior left thigh
2 passed through the skin and soft tissue.
3 Q. And that had a upward trajectory?
4 A. Yes.
5 Q. One moment. I'm assuming the shot to the thighs in
6 your opinion were not fatal; is that correct?
7 A. That's correct.
8 Q. And then we have the next one, the posterior left
9 thigh.
10 Where did that enter?
11 A. So that entered on the back of the left thigh.
12 Q. Okay. That would have been another wound to the
13 back of the body?
14 A. Yes.
15 Q. And what did that pass through?
16 A. So that gunshot wound passed through the skin and
17 soft tissue.
18 Q. That had a back-to-front trajectory?
19 A. Yes.
20 Q. Also left-to-right and upward?
21 A. Yes.
22 Q. If one is getting upward trajectories in the legs,
23 if you know, is that consistent with the body going towards
24 the ground or away from the shooter, to be shot in the leg
25 and have the bullet go upward?

Page 17

1 A. The possibility of that scenario, the possibility
2 exists, yes.
3 Q. Okay. And then you have the gunshot wound to the
4 lateral left knee?
5 A. Yes.
6 Q. You described that at the bottom of Page 5?
7 A. Yes.
8 Q. And tell us about the path of that bullet and
9 whether it had an exit.
10 A. So the path of that bullet it went through the skin
11 and soft tissue, and it exited on the anterior or the front
12 portion of the left thigh.
13 Q. Did that also have a back-to-front direction?
14 A. Yes.
15 Q. And also upward?
16 A. Yes.
17 Q. And the associated injuries would essentially be the
18 hemorrhaging in the wound track?
19 A. Yes.
20 Q. And then we have a gunshot wound to the anterior
21 right lower leg, and you listed it as number one; is that
22 right?
23 A. Yes.
24 Q. Did you do that because there were two separate
25 wounds to the anterior right lower leg?

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1 A. Yes.

2 Q. And did you determine both of those wounds were

3 entry wounds?

4 A. Yes.

5 Q. And obviously, you have training in determining or

6 distinguishing between an entry wound and an exit wound, for

7 example?

8 A. Yes.

9 Q. Without getting into too many specifics, I'm trying

10 to remember my forensic pathology basics.

11 But are entry wounds generally more circular than

12 exit wounds, and sometimes have an abrasion collar?

13 A. Generally speaking, yes, that's correct.

14 Q. I'm sure that's very basic.

15 That's some of what I remember.

16 What was the direction of the wound to the anterior

17 right lower leg, number one?

18 A. The direction was slightly front-to-back,

19 right-to-left, and upward.

20 Q. Where on the leg did that actually enter?

21 A. It was on the front of the right lower leg towards

22 the bottom.

23 Q. Towards the ankle?

24 A. Yes.

25 Q. And it entered there and went upward in the leg?

Page 19

1 A. Yes.

2 Q. So what I'm trying to imagine, if the shooter is on

3 ground level shooting at chest level, what type of body

4 position would the person have to be in to get shot in the

5 lower right leg and have it go upward?

6 It seems like it would have to be something other

7 than standing straight up; is that fair?

8 A. The possibility exists. There are obviously very

9 many scenarios in terms of hypotheticals which could occur.

10 Q. Let me ask you this: Is it consistent with the

11 person being on the ground in some fashion, getting shot in

12 the lower leg and having it traveling upward?

13 A. May I ask a clarification question?

14 Q. Of course.

15 A. Are they completely lying flat on the ground with

16 their leg against the ground?

17 Q. No. Just on the ground in some manner with their

18 leg somewhat elevated?

19 A. Leg somewhat elevated --

20 MS. ESQUIVEL: Objection. Lacks foundation; calls

21 for speculation.

22 BY MR. GALIPO:

23 Q. You may answer.

24 A. The possibility exists that that could occur.

25 Q. Okay. And that anterior right lower leg number one

Page 20

1 wound had an exit; is that correct?

2 A. Yes.

3 Q. And the anterior right lower leg number two, was

4 that close in area in terms of the entrance wound to right

5 lower leg number one?

6 A. Yes.

7 Q. And had similar direction including an upward

8 direction?

9 A. Yes.

10 Q. What were the associated injuries with that wound?

11 A. So the associated injuries with the wound on the

12 anterior right lower leg number two were fractures of the

13 bones of the lower leg with hemorrhage throughout the wound

14 track.

15 Q. And which bones were fractured?

16 A. The right tibia and right fibula.

17 Q. And remind me again, where is the tibia?

18 A. So the tibia is -- well, it starts near your knee

19 and ends all the way at the level of pretty much above your

20 foot.

21 Q. And how about the fibula?

22 A. Same thing for the fibula. It's a little bit to the

23 side of the tibia, but it starts at the level of the knee and

24 goes all the way down to the level of the ankle.

25 Q. And then there was a gunshot wound to the right

Page 21

1 foot?

2 A. Yes.

3 Q. And did that strike in the area of the fifth toe?

4 A. Yes.

5 Q. And where did that travel after striking the toe or

6 the area of the fifth toe?

7 A. The area that the projectile traveled through was

8 the skin and the soft tissue of the right foot.

9 Q. Did that also have an upward trajectory?

10 A. Yes.

11 Q. And what were the associated injuries?

12 A. The associated injuries of that wound included the

13 laceration which is a tear with surrounding hemorrhaging into

14 the soft tissue which is the ecchymosis on the sole of the

15 fourth toe of the right foot as well as another tear on the

16 anterior aspect of the right foot which is the front aspect

17 between the third and fourth toes, and there was also

18 hemorrhage throughout the wound track.

19 Q. So were there ten entry wounds altogether?

20 A. Yes.

21 Q. And multiple shots to the backside of the body?

22 A. That's correct.

23 Q. And your opinion, the fatal shot was the wound to

24 the mid left back that we started off by describing?

25 A. Yes.